

D PETER HOCHBERG CO LPA

☎ 216 771 3804

01/03/06 16:40 ☐ :01/08 NO:461

D. PETER HOCHBERG CO., L.P.A

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INTELLECTUAL PROPERTY LAW

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PATENT TRADEMARK
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January 3, 2006

Via fax only: 1 (571) 273-3201 - 10 pages

PCT Operations
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Request for Corrected Filing Receipt for:
Franz Guck et al. U.S. Patent Appln. 10/540,648 filed June 24, 2005
CONTROLLED DOSAGE AEROSOLS WITH LECITHIN
AS SURFACE ACTIVE AGENT (per Preliminary Amendment on filing)
U.S. National Phase of PCT/EP03/14901 filed December 24, 2003
Our Ref. RO4077US (#90568)

Dear Sir or Madam:

Please correct the Power of Attorney listing and the title on the Filing Receipt mailed 12/16/2005 as discussed below and indicated on the attached copy. Further, we are faxing the "Combined Declaration and Power of Attorney" as executed by the inventors on July 12, 2005 for entry of the Power of Attorney portion for this application. (Being unaware that the USPTO had accepted the Declaration filed with the PCT case, we had been holding this paper in our file in anticipation of receiving a Notification of Missing Requirements. Please contact us if you have any problem in this regard so that we may resubmit the Combined Declaration and Power for entry of the Power of Attorney under cover of a separate "Letter.")

Power of Attorney: D. Peter Hochberg - 24603
Sean Mellino - 48817
Katherine R. Vieyra - 47155
James A. Rich - 25519

Title: CONTROLLED DOSAGE AEROSOLS WITH LECITHIN AS
SURFACE-ACTIVE AGENT

The proper title is substantiated by the attached copies of the first two relevant pages of the Preliminary Amendment filed with the application on June 24, 2005.

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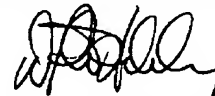
PCT Operations

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January 3, 2006

We look forward to receiving a proper Corrected Filing Receipt. If you require anything further to substantiate the requested corrections, please contact my secretary, Christine Kotran, at (216) 771-3800.

Respectfully submitted,



D. Peter Hochberg

DPH/ck
Att.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address COMMISSIONER FOR PATENTS
P.O. Box 1430
Alexandria, Virginia 22304-1430

APPL NO.	FILING OR 371 (D) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLMS	IND CLMS
10/540,648	08/24/2005	1814	450	RO4077US(#90568)		18	2

D Peter Hochberg
1940 East 6th Street
6th Floor
Cleveland, OH 44114

CONFIRMATION NO. 8878
FILING RECEIPT
I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE DOCUMENTS
OC0000000017647281

Date Mailed: 12/16/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22304-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" from the USPTO, please submit the missing parts with this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Franz Guck, Rheinfelden, GERMANY;
Gieselher Warnke, Horrischried, GERMANY;

Power of Attorney:
Sean Mellino—48817

D. Peter Hochberg - 24603
Sean Mellino - 48817
Katherine R. Vieyra - 47155
James A. Rich - 25519

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP03/14901 12/24/2003

Foreign Applications

GERMANY 102 60 882.2 12/24/2002

Projected Publication Date: 03/23/2006

Non-Publication Request: No

Early Publication Request: No

" SMALL ENTITY "

Title → **CONTROLLED DOSAGE AEROSOLS WITH LECITHIN AS SURFACE-ACTIVE AGENT**

Page 2 of 3

Dosing aerosols containing lecithin as a surface-active substance

Preliminary Class 514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in each foreign country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). International (CT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but does not result in grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-785-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 1.84

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 154. If the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" appears on this form, Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license was required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier date indicated in 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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Attorney Docket No. **RO4077US (#90568)**

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,
DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

- ☐ original
- ☐ design

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check any of next two items and check appropriate one of last three items.

- ☒ national stage of PCT
- ☐ supplemental

NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

**DOSING AEROSOLS CONTAINING LECITHIN AS A SURFACE-ACTIVE
SUBSTANCE**

SPECIFICATION IDENTIFICATION

the specification of which: (complete (a), (b), or (c))

- (a) ☐ is attached hereto.

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- (b) () was filed on as () Serial No. _____ or
 () Express Mail No. _____, as Serial No. not yet known
 and was amended on _____ (if applicable).
- (c) (X) was described and claimed in PCT International Application
 No. **PCT/EP2003/014901** filed on **December 24, 2003**
 and as amendment under PCT Article 19 on _____ (if any).

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Sec. 1.56(a).

- () In compliance with this duty there is attached an information
 disclosure statement. 37 CFR 1.97.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, Sec. 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) () no such applications have been filed.
 (e) (X) such applications have been filed as follows

NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
 (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

COUNTRY	APPLICATION NO.	DATE OF FILING (month, day, year)	PRIORITY CLAIMED UNDER 37 USC 119
_____	_____	_____	() YES NO ()
_____	_____	_____	() YES NO ()
_____	_____	_____	() YES NO ()

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ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Germany Appln. 102 60 882.2 Filed December 24, 2002
PCT Appln. PCT/EP2003/014901 Filed December 24, 2003

POWER OF ATTORNEY

As a named inventor, I hereby appoint D. Peter Hochberg, Reg. No. 24,603, Sean Mellino, Reg. No. 48,817, Katherine R. Vieyra, Reg. No. 47,155, and James A. Rich, Reg. No. 25,519, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO:

D. Peter Hochberg Co., L.P.A.
The Baker Building - 6th Floor
1940 East 6th Street
Cleveland, Ohio 44114-2294

DIRECT TELEPHONE CALLS TO: (Name and telephone number)

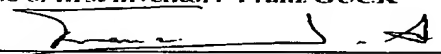
D. Peter Hochberg
(216) 771-3800

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Full name of first inventor: **Franz GUCK**



Inventor's signature

12th July, 2005
Date

Germany
Country of Citizenship

Amselsteig 6, 79618 Rheinfelden, Germany

Residence

Amselsteig 6, 79618 Rheinfelden, Germany

Post Office Address

3

Sägestrasse 8, 79737 Herrischried, Germany

Residence

Sägestrasse 8, 79737 Herrischried, Germany

Post Office Address

CHECK PROPER BOX(ES) IF ANY OF THE FOLLOWING ADDED PAGE(S) FORM A PART OF THIS DECLARATION

- () Signature for third and subsequent joint inventors. Number of pages added _____
- () Signature by administrator(trix), executor(trix) or legal representative of deceased or incapacitated inventor. Number of pages added _____
- () Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added _____

- () Added pages to combined declaration and power of attorney for a conversion of a provisional, divisional, continuation, or continuation-in-part (CIP) application. (Not required if modifications for provisional incorporated herein.)
- () Number of pages added _____

If no further pages form a part of this Declaration then end this Declaration with this page and check the following item.

(X) This declaration ends with this page.

4

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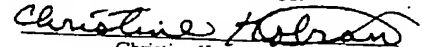
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EXPRESS MAIL CERTIFICATION UNDER 37 CFR 1.10

"Express Mail" label number: EV203146053US
Date of deposit June 24, 2005

I hereby certify that the paper(s) identified above, and any document(s) referred to as attached hereto, is being deposited with the United States Postal Service on the date indicated in an envelope as "Express Mail Post Office to Addressee" and is addressed: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450.


Christine Kotran

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Franz Guck & Gieselher Warnke
Serial No. :
Filing Date : Herewith
Examiner :
Group Art Unit:
Title : CONTROLLED DOSAGE AEROSOLS WITH LECITHIN AS
SURFACE-ACTIVE AGENT (as amended herein)
Attorney File : RO4077US (#90568)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia, 22313-1450

PRELIMINARY AMENDMENT

Dear Sir:

Please amend the above-referenced application as follows:

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In the Title:

Please amend the title of the application from "DOSING AEROSOLS CONTAINING LECITHIN AS A SURFACE-ACTIVE SUBSTANCE" to "CONTROLLED DOSAGE AEROSOLS WITH LECITHIN AS SURFACE-ACTIVE AGENT."